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10/747,781

12/29/2003

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60130-1734;02MRA364,368

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EXAMINER

BURCH, MELODY M

ART UNIT

PAPER NUMBER

3657

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01/21/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 10/747,781 | Applicant(s) JELLEY ET AL. | |
| | Examiner Melody M. Burch | Art Unit 3657 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 12, 13, 22, 23 and 26-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 12, 13, 22, 23 and 26-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 32 is objected to because of the following informalities: the phrase “wherein said friction member pivotally mounted to said wedge” should be reworded for grammatical purposes. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 12, 13, 22, 23, and 26-33 are rejected under 35 U.S.C. 102(b) as being anticipated by DE-1169218 (DE'218).

Re: claims 1, 12, 13, 22, and 31. DE'218 shows in the figure a self-energizing brake assembly, as disclosed on pg. 3 of the translation in which it describes the brake force being amplified, comprising: a support 17,19 pivotally mounted at an angle relative to a rotatable brake member 3, an adjustable member 27 biasing the support toward the rotatable brake wherein the adjustable member comprises a compliant member as shown, and a friction member 23,25 pivotally mounted relative to the support and slideable in a rotational manner along the support between engaged and disengaged positions with the rotatable member to generate a braking force between the friction member and the rotatable member wherein the angle of the support is variable for controlling a self-energizing gain in the braking force.

Re: claim 23. DE'218 shows in the figure the limitation wherein the support is pivotally mounted relative to the rotatable member at a pivot 15 and wherein a frictional force generated between the friction member and the rotatable brake member slides the friction member 23, 25 along the support 17,19 as the friction member pivots around 21 moving friction member 23,25 (to the right) toward the pivot 15.

Re: claim 26. DE '218 discloses the limitation wherein the friction member is slideable or capable of sliding along the support in a linear direction particularly to the left or in a normal direction along the pivoting pin of the support as functionally recited.

Re: claims 27, 30 and 33. DE'218 shows the limitation wherein the support is positioned on one side or the top side of the rotatable member with the friction member being positioned between the support (particularly portion 19 of the support) and the rotatable member (particularly the bottom portion of the rotatable member).

Re: claim 28. DE '218 shows the limitation wherein the support includes a pivot at one end 15 and extends to a second end that is supported by the adjustable member 27 and wherein the friction member slides along the support at the area above the lead line of number 25 between the first and second ends with respect to the longitudinal direction of the assembly.

Re: claim 29. DE '218 discloses the limitation wherein the support is pivotally mounted at an oblique angle relative to the rotatable brake member particularly when element 11 rides up on the ramps 9 to pivot element 17 to the right.

Re: claim 32. DE'218 shows a wedge 13 positioned between the support particularly portion 17 and the friction member, the wedge being slidable along the

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support between first and second ends of the support and wherein the friction member pivotally mounted to the wedge by being pivotally mounted to the support which holds the wedge, as broadly recited.

Response to Arguments

4. Applicant's arguments filed 10/27/09 have been fully considered but they are not persuasive. Applicant argues that DE'218 does not disclose a support pivotally mounted at an angle relative to a rotatable brake member. Examiner maintains that the support 17, 19 is pivotally mounted at 15 at an angle as shown with portion 19 being at a 90 degree angle and portion 17 being at a 180 degree angle in the state shown in the figure. Applicant argues that DE '218 does not disclose an adjustable member biasing the support toward the rotatable brake member. Examiner maintains that when element 11 moves along the ramp 9 such that element 13 is moved to the right with respect to the rotatable member, the biasing member or spring 27 biases the support toward the rotatable member. Applicant argues that DE '218 fails to disclose a friction member that is pivotally mounted relative to the support and slideable along the support wherein the angle of the support is variable. To support his position Applicant states that Examiner argues that the friction member 23, 25 is pivotally mounted relative to the support 17, 19 but this does not make sense as these elements are all attached to each other to form a linkage assembly. Examiner notes that parts attached to each other to form a linkage assembly are not necessarily precluded from being pivotal with respect to each other. Examiner maintains that friction member 23, 25 is pivotally mounted to the support

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17,19 at the connection above the lead line of number 25. Applicant argues that the friction member 23, 25 is not slideable along the support. Examiner disagrees and maintains that the friction member 23, 25 is slideable rotationally along the support 17, 19 at the connection point shown above the lead line of number 25 – that is how the linkage assembly is able to move. Applicant states that he is unclear how elements 17, 19 operate to vary an angle of the support for controlling self energization gain.

Examiner notes that DE' 218 accomplishes the limitation by varying the angle of the support with respect to the rotatable member through pivoting to the same extent as Applicant varies the angle of the support with respect to the rotatable member through pivoting. Examiner notes that the translation of DE '218 has been provided as Applicant requested.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melody M. Burch whose telephone number is 571-272-7114. The examiner can normally be reached on Monday-Friday (6:30 AM-3:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi can be reached on 571-272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

mmb
January 18, 2010

/Melody M. Burch/
Primary Examiner, Art Unit 3657